

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

EA No. 16 of 2019  
IN  
OA No. 153/2014

IN THE MATTER OF:

Indian National Trust for Art and Cultural Heritage

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondents

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Place: Panchkula  
Dated: 30.04.2025

*Virender*  
Dr. Virender Kumar Dahiya  
Member Secretary,  
State Wetland Authority, Haryana

Through

*R Khurana*  
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Reply of Dr. Virender Kumar Dahiya, Member Secretary,  
State Wetland Authority, Haryana to the objections dated  
12.02.2025

PRELIMINARY SUBMISSIONS: -

**MOST RESPECTFULLY SHOWETH:**

1. That historically, the Najafgarh Jheel was located far below Chhawla in Delhi (District Gazetteer Delhi: 1883-84 and 1912). There is no evidence of Jheel in Gurgaon District in the historical literature i.e. Gazetteer published during British period 1883-84 and 1912. The original Jheel used to get its water from Sahibi river which was a tributary of river Yamuna. The amount of water from hills of Gurgaon was petty as mentioned in the literature. The relevant paras of the District Gazetteers are given below:

- o **Reporting of Najafgarh Jheel in Delhi Gazetteer of 1883 (page-8):**  
*The western lines, as has been already said, converge on the Jhil below Najafgarh. There are two main passages into this: one to the north of Jharaudah (now Jhrodha Kalan) and east of Dichaon comes into the low lands at Nawadah Hashtal; the other and larger body of drainage comes in between Mandelah Khurd and Bakargarh running south-east to Pindwala Kalan and meeting, jhil below Chhaolah. **The main jhil lies to the south-west** and west of this, and is fed, as already noted, by the Sahibi drainage from Gurgaon and the flow of hill water on the west side of the Delhi hills. This last comes down in several places; the most distinct lines perhaps are those lying about Dabari and Palam. A more particular account of Najafgarh Jhil considered in its revenue and irrigation aspects will be found in Mr. Maconachie's Settlement report. It is sufficient to note*

*Virender*

here that the area drained by it is 3072 sq miles, and its water surface with a depth of 12 feet in the water gauge at Nanak Heri is 56,657 acres or about 88.5 sq miles. In 1833, its area was estimated at 52.5 sq miles, but the time of the year this refers to does not appear. Its outlet is a drain passing with a muddy sluggish flow to the north-east by Kakraula, Nilanthi and Basei across the Rohtak road about three miles east of Delhi and emptying itself into the Jamuna just above the village of Wazirabad.

- **Reporting of Najafgarh Jheel in Gurgaon District Gazetteer of 1883 (page-3):** Another marked physical characteristic of the District (Gurgaon) is found in its jhils or lakes. The most important of these is the Najafgarh jhil on the northern border of the district; but this is mainly situated in the Delhi district. Into the Sahibi, swollen by Indori, and the Badshahpur stream pour their waters.
- **Reporting of Najafgarh Jheel in Delhi Gazetteer of 1912 (page-7):** Thus we are brought by natural steps to describe the Najafgarh basin into which falls not only the drainage of the district on the west of the canal but also two other streams of importance: : the one is the depression by which the drainage of the part of the Rohtak district joins this district at Mundela Kalan and passing Ujwah and Pindwala joins the main Jhil at Chhaola: the other is the Sahibi Nala which passes through the Gurgaon district having its head waters far off from in Alwar. The main Jhil receives too, a few petty streams from the local hills. The area which drains into this Najafgargh Jhil is estimated at some 3000 square miles: in years gone by an area of more than 80 square miles has been known to be submerged by the floods, but for various reasons such extensive flooding no longer takes places. As may be imagined the volume of water was more than the soil could absorb and cause of much sickness and fever; so it was determined to cut a channel, now known as the Jhil Drain, to run the surplus water into Jamna. This work was carried out in 1888 under the direction of Captain (afterwards Sir Hennery) David. This drain begins about Chhaola where it is little more than a petty ditch and passes via Kakraula, Hasttsal and Basai, by a deep cut through the high lying Bangar into the Jamna at Wazirabad. The result of this work is that the water is drawn off too quickly fixed in the channel, it is possible to flood an area of twenty square miles and to draw off the water in time for cultivation.

2. That the genesis needs to be understood that the source of water of Najafgarh Jheel was seasonal river Sahibi River (a tributary of River Yamuna) and main

Jheel existed in Chhawla near Najafgarh in Delhi. Small portion of water used to come from Aravallis of Haryana through Badshahpur Nala which used to merge in Sahibi river near Chhawla. The water used to spread in farmers' fields only in rainy season. There was no submergence in Gurgaon District other than rainy season. This is documented in Gazetteers of Year 1883-84 and 1912.

3. That the Sahibi River which was a seasonal river of rainy season which had origin in Rajasthan near Jaipur used to cause flooding in district of Rewari, Gurgaon, Jhajjar and Delhi villages before merging in river Yamuna.
4. That to resolve flooding problem following steps were undertaken by the State Governments of Rajasthan, Haryana and Delhi:
  - Digging of Najafgarh Drain along borders of Haryana and Delhi to channelize the water
  - Construction of check dams in river course in Aravalli Hills of Rajasthan during 1970s
  - Construction of Masani barrage in District Rewari, Haryana during 1970s
  - After construction of check dams in Rajasthan and Masani Barrage in District Rewari during 1970s, no water of Sahibi River came beyond Masani barrage after 1978.
5. That there was no flooding after 1980 as the local water was channelized through Najafgarh drain and no water from Sahibi river came after 1978 to the present site of submergence.
6. That there was normal quantity of city waste water which used to accumulate in Gram panchayat land of Village Daultabad, District Gurgaon and then used to flow through Najafgarh Drain. There was no flooding in private farmlands even upto 2010 from city waste water of Gurgaon which can be verified from google images before 2010.
7. That there was no flooding in Delhi villages as there was a bundh on Delhi side on Najafgarh Drain whereas a portion of 5 km was open on Haryana side.
8. That as per evidence of google earth images (Annexure A-15 to A-20 annexed with applicant's objections), the city waste increased after the year 2010 and started spreading out of Gram Panchayat land in private farmlands. Due to waterlogging occurred, upper good quality of water layer also converted into brackish water as the underground water was brackish.
9. That therefore, it is reiterated that the Najafgarh Jheel existed in Delhi near Chhawla and after 1978, no water came to present point of submergence due to undertaking various flood control measures by State Governments of Rajasthan, Haryana and Delhi.

*W. Sahye*

10. That the present submergence is due to city waste water and city run off during rainy season only. The Aravallis water is also not coming to the present point of submergence after rapid urbanisation and water harvesting structures have been constructed in Aravallis.
11. That therefore, declaration of private farmers land which has been submerged due to non-management of city waste water as wetland is not justified.
12. That the State Government has prepared action plan for management of city waste water and utilization it for agricultural purposes and to save the farmers land from submergence through interventions proposed and mentioned in previous report. Even then, the 75 acres has been identified as wetland which will be in contiguous to the static or flowing water of Najafgarh drain in Delhi portion
13. That the reply/report dated 09.01.2025 may be read as part and parcel of preliminary submission. The contents of reply/report dated 09.01.2025 are not reiterated here for the sake of brevity of facts.

**Para-wise Reply on merit:**

1. That the contents of the Para No. 1 are part of prayer clause of original application No. 153 of 2024 and informatory in nature. Hence, needs no reply.
2. That the contents of the Para No. 2 are admitted being a part of order dated 10.01.2025 passed by this Hon'ble Tribunal.
3. That the contents of the Para No. 3 are wrong hence denied as the State of Haryana in its reply/report dated 09.01.2025 nowhere tried to mislead this Hon'ble Tribunal rather State of Haryana submitted its reply/status report dated 09.01.2025 along with supported documents. Moreover, the position regarding the issues specified in Para No. 3 (i) to (iii) of the objections are discussed in foregoing Paras.
4. That the contents of Para No. 4 are denied in the following manner:

**LOCATION OF THE JHEEL & EXISTENCE OF THE JHEEL PRIOR TO 2010.**

- a) That official Gazetteers of Delhi of 1883 and Gurgaon District Gazetteer of 1883 mentioned in Para No. 1 of preliminary submissions of reply filed by the answering respondent on 09.01.2025 clearly mentioned that the Nazafgarh Jheel is mainly situated in Delhi. Both the Gazetteers mentioned above are the Gazetteers which were published before the Gurgaon Gazetteer 1983 (Annexure A-1 of applicant's objections). Further, in reply to the stand mentioned in the order dated 10.10.2019 where it is mentioned that the State of Haryana made a statement that water body in question was a lake and State

was in the process of declaring the same to be a wetland, It is submitted that the state of Haryana never denied the existence of the lake rather denied specifically the fact of existence of lake in the District Gurugram of Haryana State. It is also pertinent to mention here that the Government of Haryana has taken a view to identify the water course of 75 Acre as wetland till the completion of Action Plan. Therefore, the State of Haryana not devoid from its stand that State was in process of declaring the same to be wetland as such declaration is under process.

b) That in Land Revenue Settlement of the Gurgaon District-1883 (Annexure A-3 of applicant's objections) nowhere stated that all the five (05) villages namely Dharampur, Daultabad, Budgera, Mankraula and Naubaramad are the part of Nazafgarh Jheel rather it states only the fact that the area of these 5 villages comes under the excessive inundation due to flow of water of Nazafgarh Jheel and waste water of the city during the rainy season. Here, the applicant tried to mislead the Hon'ble Tribunal by misinterpreting the contents of Annexure A-3 of applicant's objections.

c) To t)

That the things have changed in the Sahibi Basin since 1978 after construction of Masani Barrage in Rewari District and construction of check dams in Aravallis in Rajasthan and digging of Najafgarh Drain along Delhi -Haryana Border. The old catchment/watershed of Badshahpur Nala has also changed due to rapid urbanisation in Gurugram and construction of water conservation structures in Aravallis. Therefore, the old pattern of water flow and source of water of Sahibi river is not in existence now. After aforesaid developments, there was no submergence in the form of Najafgarh Jheel neither in Delhi nor in Haryana. It is evident from google images that present area of submergence is due to city waste water of Gurugram which has increased after 2010 and water has spread beyond *Gram Panchayat* land in private farmer's land.

5. That the contents of Para No. 5 are wrong hence denied as the imagery in Maps nowhere shows that the Nazafgarh Jheel is located as transboundary wetland between Haryana and Delhi and exist well before 2010 rather it proves only the facts of existence of water body including water body in Delhi and adjoining submergence of city waste water of Gurugram city in Gurugram well before 2010 and till date which does not mean that Nazafgarh Jheel also exist in Gurugram District.

*Wazir*

**NAZAFGARH JHEEL FORMED BY RAINWATER OR SEWAGE:**

6. That the original Najafgarh Jheel which was located in Chhawla near Najafgarh in Delhi and the source of water was rain water coming through Sahibi River causing massive floods during rainy season. Najafgarh Drain was dug to channelize the river water to river Yamuna to avoid flooding in Delhi villages. There was no sewage water in original Jheel. But after construction of check Dams in Rajasthan, no water came through Sahib river. Only small quantity of rain water is coming to present point of submergence from urban runoff of Gurugram city mixed with sewage treated water. The contents of Para No. 6 are wrong hence denied as the stand of State of Haryana in Status report dated 29.07.2024 is reproduced as under:

*“ That although Actual Area of submergence as water body can be ascertained only after completion of the said projects, however, anticipating the stoppage of untreated discharge and utilization of treated effluent as per completion of projects mentioned herein above, 75 acres (60m width x 5000m length has been identified along Nazafgarh Drain which can considered for declaration as waterbody/wetland. The details of such Khasra No. is enclosed ANNEXURE-R/2. If after completion of projects mentioned in preceding paragraphs, more substantial area is found under submerge of water, further decision shall be taken to enlarge the area identified as waterbody, in accordance with the law.”*

In above mentioned relevant para of Status Report dated 29.07.2024, the State of Haryana nowhere tried to claim that the Nazafgarh Jheel spread was 47 acres upto February 2010. Annexure A-21 of applicant's objections also nowhere stated that the Nazafgarh Jheel was spread in Gurugram rather images are the proof of submergence of city waste water and sewerage of Gurugram city. Further, the area of submergence as late as 24.09.2021 (Annexure 17, therein) and on 11.11.2021 was mere a submergence of city waste water mixed with small urban runoff and not the submergence of Nazafgarh jheel. Moreover, the Annexure A-21 of applicant's objections is a part of Report of Inter-Ministerial Expert Group constituted by the MoEF&CC and State of Haryana merely attached the copy of said report along with Status report dated 29.07.2024.

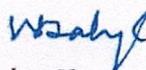
7 That the contents of the Para No. 7 are wrong hence denied as contents mentioned in Para No. 7 are based on Annexure A-22 of applicant's objections which is originally a part of Report dated 15.06.2022 of Inter-Ministerial Expert Group constituted by the MoEF&CC. The heading of Para No. 7 of report is "Water Spread of Area of Submergence in Haryana and Delhi". The Annexure

A-22 of applicant's objections merely proves the submergence of total water in Delhi and State of Haryana and it nowhere proves the water submergence in Gurugram District of Haryana is of water of Nazafgarh Jheel and nowhere proves the fact that any part of Nazafgarh Jheel situated in Gurugram District. Therefore, by putting the wrong information, the applicant tried to mislead this Hon'ble Tribunal.

## PRAYER

In view of the preliminary submissions and para-wise reply stated herein-above, it is most respectfully prayed to accept the affidavit of the State Government vide which area of 75 acres has been identified as wetland in the interest of doing justice with farmers as the objections of the applicant are totally based on misinterpretation of reply of answering respondent and on vague facts on its part.

Place: Panchkula  
Dated: 30.04.2025

  
Dr. Virender Kumar Dahiya  
Member Secretary  
State Wetland Authority, Haryana



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AFFIDAVIT

I, Dr. Virender Kumar Dahiya, Member Secretary, State Wetland Authority, Haryana, aged about 58 years do hereby solemnly affirm and declare as under:

1. That I am well conversant with the facts and circumstances of the case in my aforesaid official capacity, therefore, I am competent to swear this affidavit.
2. That I have read the contents of accompanying reply to objections which has been drafted under my instructions.

ATTESTED

RAJBIR SINGH RANA  
NOTARY PANCHKULA

*W. Dahiya*  
DEPONENT

VERIFICATION

Verified at Panchkula on 30<sup>th</sup> day of April, 2025 that the contents of above affidavit are true and correct to my knowledge and on the basis of information derived from the Official record which I believe to be true and no material fact has been concealed therein.

Certified that the above statement is declared on solemn affirmation before me at Panchkula by the deponent who is identified by.....

*W. Dahiya*  
DEPONENT

RAJBIR SINGH RANA  
NOTARY PANCHKULA

*30 / 4 / 2025*